

DETAILED ACTION

Claims 34, 36, 42, 45, 47, and 60-63 are pending in the instant application. Claims 53 and 54 have been cancelled by way of amendment filed on July 20, 2009. Claims 48-52 and 64-68 have been cancelled by way of examiner's amendment. Claims 34, 36, 42, 45, 47, and 60-63 are allowed.

Information Disclosure Statement

The information disclosure statement filed on July 20, 2009 has been considered and a signed copy of form 1449 is enclosed herewith.

Response to Amendment and Arguments/Remarks

The amendment and arguments/remarks filed on July 20, 2009 have been fully considered and entered into the application. In regards to the 35 U.S.C. 102(e) rejection of claims 34, 36, 45, 53, 54, and 60-62 as being anticipated by U.S. Patent No. 7,399,780, the grounds for rejection are moot in view of Applicant's amendment and the rejection has been withdrawn. In regards to the nonstatutory obviousness-type double patenting rejection of claims 34, 36, 45, and 60-62 over US Patent No. 7,399,780, the rejection has been overcome by the submission of a terminal disclaimer on July 20, 2009. Therefore, the nonstatutory obviousness-type double patenting rejection has been withdrawn. In regards to the objection of claim 42, the grounds for objection are moot in view of Applicant's amendment and the objection has been withdrawn.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided

by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

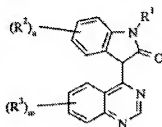
The claims have been amended as follows: claims 48-52 and 64-68 are cancelled.

In claim 47, replace the entire claim with "A method of treatment of a human suffering from Alzheimer's Disease, by administering to such a human, a therapeutically effective amount of a compound of formula Ia as defined in claim 34 or 42."

In claim 63, replace the entire claim with "A method of treatment of a human suffering from Alzheimer's Disease, by administering to such a human, a therapeutically effective amount of a compound according to claim 60 or 61."

REASONS FOR ALLOWANCE

The compounds, pharmaceutical formulations and methods of the instant claims are novel and non-obvious over the prior art because of the structural limitations that P represents a 6-membered heteroaromatic ring containing one or two heteroatoms and a hydroxyl group is directly attached to the indole. The closest prior art is WO 03/055877



which discloses compounds of formula I or (i.e., abstract). The compounds of the instant claims do not fit within the scope of the compounds of formula I disclosed in WO 03/055877 nor are they obvious variants. Therefore, the compounds

disclosed in WO 03/055877 have different properties than the compounds of the instant claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KRISTIN BIANCHI whose telephone number is (571)270-5232. The examiner can normally be reached on Mon-Fri 7am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph McKane can be reached on 571-272-0699. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Primary Examiner, Art Unit 1626

Kristin Bianchi
Examiner
Art Unit 1626
